

NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
RULE 280—FEES

PREAMBLE

- 1. Sections affected**

	<u>Rulemaking Action</u>
Rule 280, Section 205	Amend
Rule 280, Section 207	Amend
Rule 280, Section 302.2	Amend
- 2. Statutory authority for the rulemaking:**

Authorizing statutes: Arizona Revised Statutes (A.R.S.) § 49-402, 49-473 (B), 49-476.01(A), 49-476.01 (C), 49-479, 11-251.08(A).

Implementing statutes: A.R.S. § 49-480(D), 49-480(E), 49-480 (J), 49-112 (A), 49-112 (B), 11-251.08 (B).
- 3. The effective date of the rules:**

Date of Adoption: April 7, 2004
- 4. List of all previous notices appearing in the register addressing the final rule:**

Notice of Docket Opening: 9 A.A.R. 3893, September 5, 2003

Notice of Proposed Rulemaking: 9 A.A.R. 4017, September 12, 2003
- 5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name:	Jo Crumbaker, Air Quality Division
Address:	1001 North Central Avenue, Suite # 201
	Phoenix, AZ. 85004
Telephone Number:	602-506-6705
Fax Number:	602-506-6179
E-Mail Address:	jcrumbak@mail.maricopa.gov
- 6. Explanation of the rule, including the department's reason for initiating the rulemaking:**

The Board of Supervisors adopted Rule 280 on May 21, 2003 and the Notice of Final Rulemaking was published in the A.A.R, on June 20, 2003, Volume 9, Issue 25. The rule became effective on July 1, 2003. Shortly thereafter, Maricopa County discovered that it inadvertently omitted some

text from the Table in Section 302.2. The annual administrative fee of \$360 for the Non-Title V Sources D and E was omitted. The correct text now reads "Sources listed in Tables C-E" in the third column of the table. The cost of the annual administrative fee of \$360 should apply to sources listed in Tables D and E also.

Maricopa County also renumbered Section 205 at this time due to an administrative error. There are duplicate sections numbered 205.2. Maricopa County amended the section by numbering the first section in the list as 205.1 and the second section as 205.2.

Maricopa County also renumbered Section 207 due to an administrative error. There are duplicate sections numbered 207.1. Maricopa County amended the section by numbering the first section in the list as 207.1 and the second section as 207.2.

Section By Section Explanation Of Changes:

Sections 205.1 and 205.2	This amendment rennumbers the first listed subsection under section 205 from 205.2 to "205.1."
--------------------------	--

Section 207.1 and 207.2	This amendment rennumbers the second listed subsection under section 207 from 207.1 to "207.2."
-------------------------	---

Section 302.2	This amendment adds sources D-E to the table under the title "Non - Title V Source Type" therefore amended text reads "Sources listed in Tables C-E."
---------------	---

7. Demonstration of compliance with A.R.S. § 49-112:

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is adopting rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required

by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

B. Maricopa County is in compliance with A.R.S. § 49-112 (B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49. The costs of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

8. Reference to any study relevant to the rule that the department reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

9. Summary of the economic small business, and consumer impact:

The revisions will affect the following sources: service stations and larger non-resale dispensing operations and fuel burning equipment. The cost will be \$360 per source for the annual administrative fee. These costs were already discussed in the preamble to the original notice of proposed rulemaking published on November 1, 2002 and were addressed with the stakeholders, so the information is not new to the stakeholders.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules:

No changes were made between the proposed rule and the final rule.

11. A summary of comments made regarding the rule and the department response to them:

No comments were received.

12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their location in the rules:

Not applicable.

14. The full text of the rule follows:

REGULATION II - PERMITS AND FEES

RULE 280

FEES

INDEX

SECTION 100 - GENERAL

- 101 PURPOSE
- 102 APPLICABILITY

SECTION 200 - DEFINITIONS

- 201 ADMINISTRATIVE FEE
- 202 BILLABLE PERMIT ACTION
- 203 EXISTING SOURCE
- 204 ITEMIZED INVOICE
- 205 NON-MAJOR TITLE V SOURCE
- 206 REGULATED AIR POLLUTANT
- 207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT

SECTION 300 - STANDARDS

- 301 TITLE V PERMIT FEES
- 302 NON-TITLE V PERMIT FEES
- 303 GENERAL PERMIT FEES
- 304 ANNUAL ADJUSTMENT OF FEES
- 305 CALCULATION AND PAYMENT OF EMISSION FEES
- 306 HEARING BOARD FILING FEE
- 307 CONDITIONAL ORDER FEE
- 308 GASOLINE DELIVERY VESSEL FEE
- 309 PERMIT TO BURN FEE
- 310 EARTH MOVING PERMIT FEE
- 311 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEE
- 312 LATE FEE
- 313 DELINQUENCY FEE
- 314 SUBSCRIPTION FEE FOR RULE REVISIONS
- 315 ACCELERATED PERMIT PROCESSING
- 316 FAILURE TO PAY REQUIRED FEES

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 TRANSITION TO REVISED FEES
- 402 PAYMENT OF FEES
- 403 TABLE A, TABLE B, TABLE C, TABLE D, AND TABLE E SOURCES

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II - PERMITS AND FEES

RULE 280

FEES

SECTION 100 - GENERAL

- 101 No change.
- 102 No change.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 No change.
- 202 No change.
- 203 No change.
- 204 No change.
- 205 No change.

~~205.2~~ **205.1** The source is classified as a Synthetic Minor Source, and

205.2 No change.

206 No change.

206.1 No change.

206.2 No change.

206.3 No change.

206.4 No change.

206.5 No change.

207 No change.

~~207.2~~ **207.1** Any source required to have a Title V permit under Rule 200, Section 302;

207.2 No change.

SECTION 300 - STANDARDS

301 No change.

301.1 No change.

a. No change.

b. No change.

c. No change.

d. No change.

e. No change.

301.2 No change.

a. No change.

b. No change.

302 No change.

302.1 No change.

a. No change.

b. No change.

c. No change.

d. No change.

e. No change.

302.2 Annual Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of renewing a Non-Title V permit. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

Non-Title V Source Type	Annual Administrative Fee
Source listed in Table A	\$3,100
Source listed in Table B	\$1,300
Source listed in Table C <u>-E</u>	\$360

303 No change.

303.1 No change.

303.2 No change.

304 No change.

304.1 No change.

304.2 No change.

304.3 No change.

304.3 No change.

305 No change.

305.1 No change.

a. No change.

(1) No change.

(2) No change.

(3) No change.

(4) No change.

(5) No change.

b. No change.

305.2 No change.

a. No change.

b. No change.

c. No change.

d. No change.

e. No change.

305.3 No change.

306 No change.

307 No change.

308 No change.

309 No change.

310 No change.

311 No change.

311.1 No change.

311.2 No change.

312 No change.

312.1 No change.

312.2 No change.

313 No change.

314 No change.

315 No change.

315.1 No change.

315.2 No change.

315.3 No change.

315.4 No change.

316 No change.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 No change.

402 No change.

402.1 No change.

a. No change.

b. No change.

402.2 No change.

402.3 No change.

402.4 No change.

403 No change.

403.1 No change.

403.2 No change.

403.3 No change.

403.4 No change.

403.5 No change.

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE) No change